

Message Text

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ACTION EUR-25

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NSAE-00 PA-03 RSC-01 PRS-01 USIA-15 TRSE-00 MBFR-03

SAJ-01 DODE-00 SS-15 NSC-10 IO-13 NIC-01 ACDA-19

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TO SECSTATE WASHDC 2160

INFO AMEMBASSY BONN

C O N F I D E N T I A L BERLIN 1301

E.O. 11652: GDS

TAGS: PGOV, GW, GE

SUBJECT: SENAT AND FRG EFFORTS TO RESTRAIN FLUCHTHILFE ORGANIZATIONS

1. SUMMARY: SENAT AND FRG HAVE GEGUN TO TAKE MEASURES INCLUDING PUBLIC STATEMENTS DESIGNED TO PREVENT "MISUSE" OF TRANSIT AGREEMENT. THESE EFFORTS ARE INTENDED TO RESTRAIN FLUCHTHILFE ORGANIZATIONS AND TO DEMONSTRATE SENAT AND FRG GOOD FAITH TO GDR, THUS FORESTALLING LARGE-SCALE GDR CAMPAIGN AGAINST ORGANIZATIONS AND INDIVIDUALS ASSISTING PEOPLE TO FLEE EAST GERMANY. END SUMMARY.

2. AT JULY 26 KUNZE-MITDANK MEETING, SENAT REP KUNZE REPLIED TO EARLIER GDR PROTESTS AGAINST ASSISTANCE PROVIDED BY PEOPLE IN WEST BERLIN TO INDIVIDUALS FLEEING EAST GERMANY. KUNZE SAID THERE WAS NO WEST GERMAN LAW AGAINST FLEEING DR (REPUBLIKFLUCHT) BUT WHERE VIOLATIONS OF WEST GERMAN LAW WERE CONCERNED, SUCH AS FALSIFICATION OF OFFICIAL DOCUMENTS, MISUSE OF PASSPORTS, ETC., GDR SHOULD INFORM WEST BERLIN PROSECUTOR'S OFFICE, WHICH COULD LEAD TO POSSIBLE PROSECUTION OF PERSONS INVOLVED.

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3. KUNZE'S STATEMENT PRECEDED BERLIN MORGENPOST INTERVIEW

WITH STATE SECRETARY GRABERT, PUBLISHED JULY 29, IN WHICH GRABERT WARNED THAT FRG WOULD PROSECUTE PERSONS WHO VIOLATED TRANSIT AGREEMENT'S PROHIBITION ON "MISUSE OF THE TRANSIT ROUTES." GRABERT SAID "WE CANNOT ON THE ONE HAND EXPECT THE GDR TO KEEP THE AGREEMENT WHEN, ON THE OTHER HAND, WE ARE NOT PREPARED TO KEEP IT AS WELL." GRABERT SUGGESTED THAT PROSECUTION OF PERSONS USING FALSE PAPERS MIGHT BE ONE MEANS OF CONTROL. (MORGANPOST LOST NO TIME IN TAKING ADVANTAGE OF ITS POSSESSION OF INTERVIEW TO RUN CRITICAL EDITORIAL SAME DAY ACCUSING GRABERT OF CATERING TO INTERESTS OF GDR.)

4. SENAT AND FRG ALSO PLAN TO ISSUE INFORMATION SHEETS ABOUT RULES AND REGULATIONS COVERED BY TRANSIT AGREEMENT TO TRAVELERS BEFORE THEY USE TRANSIT ROUTES. IN ADDITION, BERLIN AUTHORITIES INTEND TO DISCUSS FEASIBILITY OF INSERTING CLAUSE IN CAR-RENTAL CONTRACTS WHICH WOULD PROHIBIT USE OF RENTED VEHICLES FOR ACTS WHICH VIOLATE AGREEMENT.

5. ACCORDING TO PETER HERZ, HEAD OF SENAT CHANCELLERY, THESE EFFORTS ON PART OF SENAT AND FRG ARE INTENDED TO FORESTALL LARGE-SCALE CAMPAIGN BY GDR AGAINST ORGANIZATIONS AND INDIVIDUALS ASSISTING PEOPLE TO LEAVE EAST GERMANY (FLUCHTHILFE), WHICH COULD OTHERWISE BE EXPECTED IN VIEW OF PROBLEM POSED FOR GDR BY INCREASED RATE OF EXFILTRATION IN RECENT MONTHS.

6. COMMENT: WHILE SENAT/FRG INITIATIVES MAY HELP TO CONVINCE THE GDR OF THEIR GOOD WILL, THEY, IN THEMSELVES, ARE UNLIKELY SIGNIFICANTLY TO REDUCE EXFILTRATION. WHETHER GDR REFRAINS FROM INVOKING ARTICLE 16(2) AS JUSTIFICATION FOR SEARCH OF TRAVELLERS AND VEHICLES WILL PROBABLY DEPEND MORE UPON SUCCESS OF GDR'S OWN EFFORTS TO GET HANDLE ON ITS EXFILTRATION PROBLEM THAN UPON ANY STEPS FRG AND SENAT APPEAR TO CONSIDER POLITICALLY FEASIBLE AT THIS TIME. BORG

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